

AN ORDINANCE

99488

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO ONE PARCEL OF LAND BEING DESCRIBED AS 14,854 SQUARE FEET OUT OF N.C.B. A-20, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING OUT OF THAT 1.0 ACRE TRACT AS CONVEYED TO MARTIN LINEN SUPPLY COMPANY RECORDED IN VOLUME 7949, PAGE 705, DEED RECORDS OF BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE, NAMELY THE ACQUISITION, IMPROVEMENT AND MAINTENANCE OF THE MISSION TRAILS PACKAGE 4 PROJECT, LOCATED IN COUNCIL DISTRICTS 1, 3 AND 5; AND AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS AND EMPLOYEES OF THE CITY TO ACQUIRE SUCH PROPERTY; AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. A public necessity is hereby declared for the City of San Antonio to acquire fee simple title to certain privately owned real property for the purpose of drainage, street and parking improvements to connect the five historic missions in San Antonio, Bexar County, Texas. Said parcel is generally described as follows:

Being 0.138 hectares (0.341 acres), 1,381 square meters, (14,854 square feet out of N.C.B. A-20, City of San Antonio, Bexar County, Texas, and being out of that 1.0 acre tract as conveyed to Martin Linen Supply Company recorded in Volume 7949, Page 705, Deed Records of Bexar County, Texas; said 0.138 hectares (0.341 acres) being more particularly described in Attachment I attached hereto and incorporated herein for all purposes.

SECTION 2. In the event that the City staff is unable to acquire the property by negotiation by reason of its inability to agree with the owners thereof as to the value of the parcels, or is unable to acquire the parcels for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the property. The City Attorney is hereby authorized to retain the services of the law firm of Davidson & Troilo, P.C., the law firm of Bracewell & Patterson, L.L.P., and the law firm of

Oppenheimer, Blend, Harrison & Tate, Inc. as special counsel as may be needed from time to time and to pay for the services rendered from any appropriations as may be made for the purpose.

SECTION 3. The prior actions and efforts of City officials to negotiate the purchase of the necessary rights and the steps taken to initiate and prosecute condemnation of these properties is hereby ratified and affirmed.

SECTION 4. It is officially found, determined and declared that the meeting at which this ordinance is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this ordinance, was given to all as required by the Texas Code Annotated, as amended, Title 5, Chapter 551, Government Code.

SECTION 5. If any part, section, paragraph, sentence, phrase, or word of this ordinance is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid, or ineffective.

SECTION 6. This Ordinance shall be effective on the 8th day of August, 2004.

PASSED AND APPROVED this the 29th day of July, 2004.

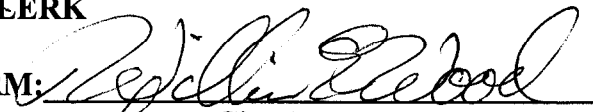
ATTEST:


CITY CLERK


M A Y O R

EDWARD D. GARZA

APPROVED AS TO FORM:


for City Attorney